

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ARNULFO RODRIGUEZ,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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**Civil Action 4:18-cv-876-O
(Criminal No. 4:16-cr-029-O (4))**

ORDER DENYING PENDING MOTIONS

Defendant Arnulfo Rodriguez filed this case through a form Motion to Vacate under 28 U.S.C. § 2255. Mot. Vacate, ECF No. 1. Rodriguez accompanied that § 2255 motion with a motion for discovery and for copies of transcripts, as well as a separate motion to receive copies of records at government expense. Mot. Discovery, ECF No. 4; Mot. Copies, ECF No. 5. Under Rule 6 of the Rules Governing Section 2255 Proceedings for the United States District Courts, a movant must show good cause to obtain discovery in a § 2255 proceeding. Although Rodriguez has filed a § 2255 motion, he has not otherwise made any showing of what particular discovery he seeks and how it would assist the resolution of that motion, in order for the Court to consider whether good cause exists to allow discovery. Thus, the motion for discovery must be denied.

Rodriguez has also filed a separate motion to receive copies at government expense with an incorporated request to proceed in forma pauperis. Mot. Copies, ECF No. 5. Although 28 U.S.C. § 2250 authorizes the Court to provide copies of documents to an indigent movant, “[a] federal prisoner is not entitled to obtain copies of court records at Government expense for the purpose of searching the record for possible error.” *Walker v. United States*, 424 F.2d 278, 279 (5th Cir. 1970) (citations omitted).

Further, under 28 U.S.C. § 753(f), a district court has the power to order a free transcript to an indigent defendant¹ proceeding under § 2255, “if the trial judge . . . certifies that the suit . . . is not frivolous and that the transcript is needed to decide the issue presented. . . .” 28 U.S.C. § 753(f). The Court concludes that Rodriguez has not satisfied this standard. Defendant is not entitled to the requested free copies of documents or transcripts.

It is therefore **ORDERED** that the motion for discovery (ECF No. 4) and the motion for copies at government expense (ECF No. 5), are **DENIED**.

SO ORDERED this 13th day of November, 2018.


Reed O'Connor
UNITED STATES DISTRICT JUDGE

¹As Defendant is not entitled to free copies of documents or transcripts, his incorporated motion to proceed in forma pauperis is denied.